

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections set forth in the Office Action dated December 3, 2003, are respectfully requested. In this Office Action, claims 47-49 were allowed, and claims 1-25 and claims 50-54 were rejected.

**I. Claim Objection**

The Examiner objected to claim 47 based on an informality. The portion of the claim at issue recites: "indicating over the Internet that the sample size on which the second output data is based is the second sample size." Applicant requests that the Examiner reconsider the objection, as the claim appears to read as applicant intended (i.e., that the second output data is based on the second sample size).

**II. Declaration under 37 C.F.R. § 1.131**

The Examiner rejected claims 50-54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2001/0032097 A1 ("Levey"). The Examiner rejected claims 1-25 under 35 U.S.C. 103(a) as being unpatentable over Levey in view of U.S. Published Patent Application No. 2002/0002479 A1 ("Almog"). Applicant submits herewith a Declaration under 37 C.F.R. § 1.131 for inventor Thomsen that establishes an invention date prior to both Levey's April 28, 2000, asserted priority date and to Almog's December 20, 1999, asserted priority date. This Declaration is seasonably presented, as it is submitted prior to a final rejection. MPEP § 715.09. Accordingly, both Almog and Levey are removed as references.

As explained in detail in the attached Declaration, the inventor believes he possessed either the whole invention as claimed in presently presented claims 1-25 and 47-56, or something fairly falling within the claims prior to December 20, 1999. The facts presented in the Declaration carry with them any variations and adaptations that would have been obvious at the same time, to one of ordinary skill in the art. MPEP § 715.02. Thus, despite any minor difference between the facts presented in the Declaration and the claims, the inventor believes he conceived of the claimed invention before the effective date of Almog (and subsequently Levey). Additionally, the inventor diligently reduced the invention to practice, as he explained in the Declaration.

Should the Examiner wish to receive further information on the subject matter of the Declaration, the Examiner is encouraged to contact the undersigned representative, as she may be able to provide such information and answer any questions the Examiner may have.

**III. Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Even absent the submitted Declaration, the claims are nevertheless patentable because none of the references, either alone or in combination, disclose the claimed system and method. For example, Levey, whether viewed alone or in combination, does not disclose the following:

- (1) receiving a request from a user for a first item of economic data, the first item including at least one of wage data, cost of living data, cost of labor data and employee benefit data and retrieving the first item of economic data from a database;
- (2) receiving a second item of economic data from the user over the Internet in exchange for the first item of economic data, the second item of economic data including at least one of wage data, cost of living data and employee benefit data and checking the second item of economic data for validity by determining whether the second item of economic data is consistent with economic data in the database of the same type as the second item of data;
- (3) updating the database to include the above mentioned second item of data if it is determined to be valid;
- (4) providing over the Internet a display description identifying a plurality of databases for economic data, the economic data including at least one of compensation data, cost of living data and employee benefits data with at least two of the databases providing similar types of data obtained from different sources and based on different populations;
- (5) receiving a selection from a user over the Internet of one of the above-mentioned databases, receiving a query from the user over the Internet for data contained in the one database, retrieving data from the one

database in response to the query from the user, and displaying to the user over the Internet the data corresponding to the query.

(6) paying a reduced fee or no fee for a first item of economic data in return for providing a second item of economic data;

(7) etc.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the prior art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3925.

Respectfully submitted,

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